

AMY R. ATWOOD (OSB #060407)
CENTER FOR BIOLOGICAL DIVERSITY
P.O. Box 11374
Portland, OR 97211
Tel: (971) 717-6401
atwood@biologicaldiversity.org

Lead Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

CENTER FOR BIOLOGICAL DIVERSITY,
et al,

Case No: 3:18-cv-01035-MO

Plaintiffs,

v.

[PROPOSED] STIPULATED
DISCOVERY SCHEDULE

DAUGHERTY, et al,

Defendants.

Pursuant to the Court's Order of September 18, 2018 granting the parties' joint motion to stay discovery, ECF 34, 22, the Parties hereby stipulate to the following proposed discovery schedule in this case.

DATE

EVENT

Friday, June 14, 2019

Initial Disclosures

Friday, July 8, 2019

First date on which parties may serve written Discovery

Friday, Sep. 27, 2019	Expert Disclosure (initial)
Friday, Feb. 1, 2019	Expert Disclosure (rebuttal)
Friday, Mar. 27, 2020	Non-Expert Discovery & Disclosure Cut-Off
Friday, April 24, 2020	Expert Discovery & Disclosure Cut-Off

Upon the consent of the Parties or for good cause shown, any party may request that the Court extend any of these deadlines.

This schedule will allow sufficient time to complete what the Parties anticipate will be extensive fact and expert witness discovery in this case, endeavoring to ensure that the Parties have adequate time to develop their claims and defenses, and as a result, precluding the need for extensions that are likely to arise under a more compressed schedule.¹ The proposed schedule set forth above also considers the schedules of a multitude of expert witnesses who will weigh in on proximate cause and forestry managers with demands on their time, particularly during wildfire seasons. This schedule is also consistent with stipulated schedules in cases alleging violations of section 9 of the Endangered Species Act. *See e.g.* Minute Order, *Cascadia Wildlands et al v. Decker et al*, Civ. No. 12-00961 (D. Or. July 16, 2012), ECF No. 35 (enlarging discovery period in ESA section 9 case to 11 months); *Wild Equity Institute et al v. City and County of San Francisco et al*, Civ. No. 11-00958 (N.D. Cal. June 28, 2011), ECF No. 48 (discovery schedule for ESA section 9 case lasting 12 months).²

¹ This stipulated schedule does incorporate time for the Defendants to review the amended complaint to determine whether to file answers or move for dismissal.

² Although this motion does not expressly set a schedule for Plaintiffs to file a motion for a preliminary injunction, the parties have discussed that Plaintiffs may do so and recognize that the one or more parties may request an extension of the proposed discovery schedule for good cause shown should in the event that such a motion is filed.

DATED: February 6, 2019

Respectfully submitted,

FOR PLAINTIFFS:

s/ Amy R. Atwood

Amy R. Atwood (OSB #060407)

atwood@biologicaldiversity.org

Tel: (971) 717-6401

Brian P. Segee, admitted *pro hac vice*

bsegee@biologicaldiversity.org

Tel: (802) 750-8852

P.O. Box 11374

Portland, OR 97211

CENTER FOR BIOLOGICAL DIVERSITY

Oliver J. H. Stiefel (OSB# 135436)

oliver@crag.org

Tel: (503) 227-2212

917 SW Oak Street, Suite 417

Portland, OR 97205

CRAG LAW CENTER

Nicholas Cady (OSB #113463)

nick@cascwild.org

Tel: (541) 434-1463

P.O. Box 10455

Eugene, OR 97440

CASCADIA WILDLANDS

FOR STATE DEFENDANTS:

ELLEN F. ROSENBLUM

Attorney General

s/ Sarah Weston

SARAH WESTON #085083

Assistant Attorney General

DARSEE STALEY #873511

Senior Assistant Attorney General

Trial Attorney

Tel: (971) 673-1880

Fax: (971) 673-5000

Email: Sarah.Weston@doj.state.or.us

Email: Darsee.Staley@doj.state.or.us

FOR DEFENDANT-INTERVENORS:

s/ Ryan P. Steen

Ryan P. Steen, OSB No. 034663
Stoel Rives LLP
600 University Street, Suite 3600
Seattle, WA 98101
ryan.steen@stoel.com
Telephone: 206.624.0900

Kirk B. Maag, OSB No. 105507
Crystal S. Chase, OSB No. 093104
Stoel Rives LLP
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
Email: kirk.maag@stoel.com
Email: crystal.chase@stoel.com
Telephone: 503.224.3380

Attorneys for Oregon Forest Industries Council

s/ Jessica A. Schuh

Jessica A. Schuh, OSB #164778
Email: jschuh@schwabe.com
Telephone: 503-222-9981

Jay T. Waldron, OSB #743310
Email: jwaldron@schwabe.com
SCHWABE, WILLIAMSON & WYATT, P.C.
1211 SW 5th Ave., Suite 1900
Portland, OR 97204
Facsimile: 503-796-2900

Attorneys for Intervenor Tillamook County